

**BARBERING & COSMETOLOGY EXAMINING BOARD
MINUTES
MADISON, WISCONSIN
DECEMBER 6, 1999**

PRESENT: Barbara Flaherty, Leon Lauer, Marvile Martin, Bruce Bennett, Lorraine Norem, Toni Palermo, Karen Kraus and Denise Svetly (not confirmed).

EXCUSED: Danny Trotter

STAFF PRESENT: Secretary Cummings, Alfred Hall, Jr., John Schweitzer, Jan Neitzel, Darwin Tichenor; Members of Division of Enforcement staff were present for portions of the meeting.

GUESTS: Numerous Guests

CALL TO ORDER

The meeting was called to order at 9:39 a.m. by Barb Flaherty, Chair, upon confirmation that the public notice was timely given. A quorum of 6 members was present.

AGENDA

Two changes were made on the agenda: Karen Kraus not Krause and Denise Svetly not Svelty.

MOTION: Leon Lauer moved, seconded by Marvile Martin to approve the agenda as amended. Motion carried unanimously.

MINUTES (10/4/99)

MOTION: Leon Lauer moved, seconded by Marvile Martin, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary's Report

- Role of the Department

Secretary Cummings referred to the Strategic Planning report, dated November 22, 1999, prepared by Cap Gemini America, Inc., and asked the Board to determine what they would like to accomplish.

Secretary Cummings explained the Board has the authority to require continuing education.

- Identifying Pass Rates for Practical Examinations

Nothing to report.

- Licensing of Instructors

Secretary Cummings discussed the pros and cons of licensing instructors and managers.

- Microdermabrasion

Secretary Cummings explained that advisory committees may be formed to address microdermabrasion and other important issues.

Secretary Cummings introduced Jane Brischke, Division of Enforcement. Ms. Brischke explained the Compliance Inspection Program.

Bureau Director's Report

- Alfred Hall Introduced Karen Kraus, Public School Representative, and K. Denise Svetly, Electrologist, to the Board.

Mr. Hall thanked Toni Palermo for her service to the Board. Ms. Palermo's membership on the board will soon come to an end.

- Final 2000 Meeting Dates

The Board received a copy of the year 2000 meeting dates. Noted.

Lorraine Norem volunteered to be the new member of the screening panel.

- November 1999 Roster

The Board received a copy of the November 1999 roster and made several changes.

Alfred Hall explained the process of becoming a voting member of the Board.

- Regulatory Digest Draft

Secretary Cummings explained the purpose of the Regulatory Digest.

Alfred Hall reported one Barber/Cosmetology Regulatory Digest will be mailed in December and another in March 2000.

Alfred Hall stated that "booth rentals" will be addressed again in the March 2000 Regulatory Digest.

- To-Pass Folder

Information was circulated in the To-Pass Folder and duly noted.

LEGISLATIVE UPDATE

Status of LRB 0803/1-Relating to Education Requirements

The Board received a copy of LRB 0803/1 relating to education requirements.

Status of LRB 3269/2-Relating to Eligibility Requirements

The Board received a copy of LRB 3269/2 relating to eligibility requirements.

ADMINISTRATIVE RULES

Status Proposed Language for Rule Change to Credit Salon Visits as Theory Hours (Second Draft)

The Board received A copy of John Schweitzer's September 30, 1999, memo relating to the proposed rule change to credit salon visits as theory hours.

Status of Revising Section RL 62.11 (1)(1) Related to Permitting Structured Establishment Visits

Nothing to report.

BOARD MEMBER ACTIVITY

Strategies Plan Follow-up, Planning for the Future

The Board will discuss the results of the strategic planning session at the February 7, 2000, meeting and will decide on future agenda items.

Continuing education will be discussed at the February 7, 2000, meeting.

The Board will discuss the reasons for establishing the microdermabrasion, electrolysis and exam advisory committees at the February 7, 2000, meeting.

PRACTICE ISSUES

Facial Peels

- Should Their Application Be Restricted to Cosmetology and/or Aesthetics Practice?

The board discussed forming a committee to discuss facial peels.

- Do Barber and Cosmetologists and Aestheticians Receive Instruction?

Nothing to report.

- What do We Know About the Product?

Nothing to report.

- Who Draws the Line Between (1) Over-the-Counter and Non-Professional Use, (2) Professional Cosmetology/Aesthetics Use, and (3) Medical Use?

Nothing to report.

Use of Spray-On Disinfectant For Disinfecting Contact Equipment

Nothing to report.

Discussion of Laser Hair Removal

The Board discussed laser hair removal and electrolysis.

Hair Braiding

Nothing to report.

APPRENTICESHIP PROGRAM

Alfred Hall welcomed Hafeezah Ahmad, the new representative for the apprenticeship program.

Secretary Cummings received positive comments relating to the apprenticeship program.

Toni Palermo expressed her belief that the success of the apprenticeship program depends on the trainers and the establishment.

EXAMINATION ISSUES

Review of Practitioner Examination Content

Darwin Tichenor stated it has been 3 years since the last evaluation of the contents of the practitioner examination and he recommended a committee be formed consisting of professionals and a board member. Brenda Gavinski, Joan Kornitz, Ron Gilchrist, and Karen Kraus, volunteered for the committee.

Pass Rates for Practitioner Examination

Darwin Tichenor discussed his November 18, 1999, memo, relating to the practitioner examination pass rates.

Fee Changes

The Board received a copy of the test dates for 2000.

Secretary Cummings explained the process used to determine examination fees in response to Bruce Bennett's question regarding the increase in fees.

Alfred Hall noted Barb Showers November 16, 1999, memo relating to the exam fees.

DIVISION OF ENFORCEMENT

Compliance Inspection Report

The Board discussed the benefits of the Division of Enforcement's new inspection process, presented by Jane Brischke.

MOTION: Bruce Bennett moved, seconded by Leon Lauer, to support the implementation of the new process of inspection of barber/cosmetology facilities. Motion carried unanimously.

LEGAL COUNSEL REVIEW OF PHONE INQUIRIES

Microdermabrasion

John Schweitzer recommended a scope of practice for microdermabrasion.

The Board clarified laser hair removal as temporary hair removal and electrolysis as permanent hair removal.

Preliminary Discussion of Facial Peels

John Schweitzer recommended a scope of practice be written for facial peels.

Permissible Scope of Massage and Related Services Performed by Aestheticians and Cosmetologists and by Massage Therapists

The Board discussed the November 23, 1999, scope of practice for massage therapists and agreed that body wraps and facials are not in the scope of practice for massage therapists.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

The Board and guests discussed booth rental issues, such as responsibilities of managers, the responsibilities of renters, and taxes. John Schweitzer, Board Legal Counsel, will obtain information for discussion at the February 7, 2000, board meeting.

The Board received a copy of the December 6, 1999, memo from Judy Mender relating to new establishment licenses.

NEW BUSINESS

No new business.

RECESS TO CLOSED SESSION

MOTION: Leon Lauer moved, seconded by Marvile Martin, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, monitoring issues, deliberation on stipulations that may be signed after printing of the agenda, deliberation on proposed disciplinary actions that may be signed after printing of agenda, pending applications, apprentice requests for transfer, requests for appeal of denial, hearings on denied applications, and examination issues. Motion carried by a roll call vote: Bruce Bennett-yes; Leon Lauer-yes; Marvile Martin-yes; Dr. Toni Ann Palermo-yes; Lorraine Norem-yes; Karen Kraus-yes; Barbara Flaherty-yes;

Open Session recessed at 12:39 a.m.

CLOSED SESSION

The Board deliberated on case closings, stipulations, a monitoring report, a proposed disciplinary action, and an application for an establishment license.

ADJOURN CLOSED SESSION

MOTION: By consensus, the Board adjourned closed session.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Leon Lauer moved, seconded by Marvile Martin, to close the following cases presented by the Division of Enforcement. Motion carried unanimously.

99 BAC 007	Agustine Garnica	No violation
99 BAC 007	Linda L. Gnacinski	No violation
99 BAC 007	Marcela Lechuga	No violation
99 BAC 007	Miguel A. Rullan	No violation
99 BAC 007	Georgina Fuentes	No violation
99 BAC 053	Le Nails d/b/a Nails Expo	Insuffieient evidence
99 BAC 053	Tuan Le	Insuffieient evidence
99 BAC 053	Livia Nguyen	Insuffieient evidence
99 BAC 053	Quan Le	Insuffieient evidence
98 BAC 067	Classy Nails	Insuffieient evidence
98 BAC 067	Hoa Khac Nguyen	Insuffieient evidence
98 BAC 067	Tuyet T. Vu	Insuffieient evidence

98 BAC 093	Classy Nails	Insuffieient evidence
98 BAC 093	Hoa Khac Nguyen	Insuffieient evidence
98 BAC 093	Tuyet T. Vu	Insuffieient evidence
98 BAC 143	Chau Bao Nguyen	Insuffieient evidence
99 BAC 021	Le Grande Salons & Spa	No violation
99 BAC 021	Billy Godsell	No violation
99 BAC 021	Susie Raymond	No violation
99 BAC 021	Shirley Aylward-Swider	No violation
99 BAC 013	Jonna K. Buetow	No violation
98 BAC 038	Roxie Moede	P2
99 BAC 063	Studio 68/Elite Hair Studios	No violation
99 BAC 021	Marion Beason	No violation
99 BAC 021	Ronald Manning	No violation
99 BAC 075	Zahz House of Beauty	Insuffieient evidence
99 BAC 075	Dawn Renee Riley	Insuffieient evidence
99 BAC 075	Carline Mealy	Insuffieient evidence
98 BAC 146	Terrence Sierra Byrd	No Violation
98 BAC 146	Fausto I. Delado	No violation
98 BAC 146	Ramon A. Justiniano	No violation
98 BAC 146	Ruben H. Sandrz	No violation

STIPULATIONS

MOTION: Bruce Bennett moved, seconded by Leon Lauer, to accept the Stipulations, Findings of Fact, Conclusions of Law and Orders in the following matters. Motion carried unanimously.

- i. Lan Thi Gguyen Green Bay, WI)
- ii. Hong Phuong Ngo (Milwaukee, WI)
- iii. Tuyet A. Thanh Cao (West Allis, WI)
- iv. Heather Werth (Manawa, WI)
- v. Tammy Olson (Manawa, WI)
- vi. Tien Gguyen (Madison, WI)
- vii. Tuan Kim Nguyen (Stevens Point, WI)
- viii. Sau Van Dang (Green Bay, WI)

MONITORING

Eldon Page (Racine, WI)

MOTION: Leon Lauer moved, seconded by Bruce Bennett, to accept the Stipulations, Findings of Fact, Conclusions of Law and Orders in

the disciplinary matters involving Eldon Page. Motion carried unanimously.

ESTABLISHMENT APPLICATION

Bettye L. Williams

MOTION: Marvile Martin moved, seconded by Lorraine Norem, to deny the application for an establishment license for 2 years for Bettye Williams. Motion carried unanimously.

ADJOURNMENT

MOTION: Lorraine Norem moved, seconded by Marvile Martin, to adjourn the meeting at 1:09 p.m.